

REFERENCE TITLE: equal rights amendment; ratification.

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## HCR 2046

Introduced by  
Representatives Ableser, Farley, Gallardo, Kirkpatrick, Schapira, Sinema,  
Thrasher, Senators Aboud, O'Halleran: Representatives Brown, Campbell CH,  
DeSimone, Lopes, McGuire, Meza, Nichols, Pancrazi, Prezelski, Senators  
Aguirre, Arzberger, Chevront, Hale, Harper, Landrum Taylor, McCune Davis,  
Rios, Soltero

### A CONCURRENT RESOLUTION

RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES;  
PROVIDING THAT EQUALITY OF RIGHTS UNDER THE LAW SHALL NOT BE ABRIDGED BY THE  
UNITED STATES OR ANY STATE ON ACCOUNT OF SEX.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the  
2 Senate concurring:

3 Whereas, the ninety-second Congress of the United States of America, at  
4 its second session, by a constitutional majority of two-thirds in both  
5 houses, adopted the following proposition to amend the Constitution of the  
6 United States:

7 JOINT RESOLUTION

8 Resolved by the House of Representatives and the Senate of  
9 the United States of America in Congress assembled (two-thirds  
10 of each house concurring therein), that the following article is  
11 proposed as an amendment to the Constitution of the United  
12 States, which shall be valid to all intents and purposes as a  
13 part of the Constitution when ratified by the legislatures of  
14 three-fourths of the several States within seven years from the  
15 date of its submission by the Congress:

16 Article \_\_\_\_\_

17 Section 1. Equality of rights under law shall not be  
18 denied or abridged by the United States or any State on account  
19 of sex.

20 Section 2. The Congress shall have the power to enforce  
21 by appropriate legislation the provisions of this article.

22 Section 3. This amendment shall take effect two years  
23 after ratification; and

24 Whereas, the United States Congress adopted the Twenty-seventh  
25 Amendment to the United States Constitution, the so-called Madison Amendment,  
26 relating to compensation of Members of Congress. This amendment, proposed  
27 203 years earlier by the First Congress, was ratified by three-fourths of the  
28 states and was certified by the United States archivist on May 18, 1992; and

29 Whereas, the founders of our nation, James Madison included, did not  
30 favor further restrictions to the amendment procedure of Article V,  
31 Constitution of the United States, yet the United States Constitution is  
32 harder to amend than any other constitution in history; and

33 Whereas, the restricting time limit for the equal rights amendment is  
34 in the resolving clause and is not part of the amendment proposed by  
35 Congress, and the amendment is already ratified by thirty-five states; and

36 Whereas, Congress passed a time extension for the equal rights  
37 amendment on October 20, 1978, demonstrating that a time limit in a resolving  
38 clause can be disregarded if it is not part of the proposed amendment; and

39 Whereas, the United States Supreme Court, in Coleman v. Miller, 307  
40 U.S. 433, 456 (1939), recognized that Congress is in a unique position to  
41 judge the tenor of the nation, to be aware of the political, social and  
42 economic factors affecting the nation and to be aware of the importance to  
43 the nation of a proposed amendment; and

1           Whereas, if an amendment to the Constitution of the United States has  
2 been proposed by two-thirds of both houses of Congress and ratified by  
3 three-fourths of the state legislatures, it is for Congress under the  
4 principles of Coleman v. Miller to determine the validity of the state  
5 ratifications occurring after a time limit in the resolving clause but not in  
6 the amendment itself; and

7           Whereas, constitutional equality for women and men continues to be  
8 timely in the United States and worldwide, and a number of other nations have  
9 achieved constitutional equality for their women and men.

10 Therefore

11 Be it resolved by the Legislature of the State of Arizona:

12           1. That this proposed amendment to the Constitution of the United  
13 States is ratified.

14           2. That the Secretary of State of the State of Arizona transmit a copy  
15 of this Resolution to the President of the United States Senate and the  
16 Speaker of the United States House of Representatives.